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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JANUARY 9, 2023 – 7:00 PM

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Bermingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

MOTION by Supervisor Teel to approve agenda, seconded by Supervisor Due.

Vote: 5-0.

III.

PUBLIC COMMENT

Eleanor Shelton, Heiden Rd., asked when the Planning Commission will be meeting to discuss sewer and water as mentioned at a previous Planning Commission meeting. Supervisor Teel stated it has not been scheduled yet but will probably be sometime in February.

Charlie Hentz, Ridge Rd., commented on the overall view of the proposed budget, categories should explain increases. Charlie discussed the turn-back roads and suggested to give them back to the state, the state is not paying us enough money to maintain those roads. Charlie suggested a zero-based budget.

IV.

ANNOUNCEMENTS

Manager Nelson announced that Carroll Engineering/Justin Coyle gave a donation of \$1,500 to the Park. Manager Nelson stated that the Bangor Area School District does participate in the recycle program.

Supervisor Friedman announced he contacted Sherry Acevedo and she will be meeting with the OSAB regarding the 25% monies for maintenance and the Board will give her an update on properties that are in the pipeline for open space. Supervisor Friedman suggested the Board consider establishing rules using Roberts Rules.

Supervisor Bermingham announced he was contacted by Anthony Carney, the President of Tuscarora Village, he would like the Township to consider maintaining the roads in Tuscarora Village. Supervisor Bermingham met with the members of the MBFC and their Engineer, and the grant writer. They are getting their permits in place for the building of the Emergency Shelter, with hopes of starting April 1st. Supervisor Bermingham will be having office hours on January 25th, at 6:30, place TBD. The MB Ladies Auxiliary are having soup night on Thursday, 4-6. Supervisor Bermingham is working with Dr. Haas at the BASD to have MBFD and Nbfd go into the schools and talk to the students about what it means to be a junior firefighter. Congratulations to Calais Lovett on her completed Eagle Scout Project at the Community Park.

Supervisor Teel announced Planning Commission meets on January 18th at 7pm.

V.

CONSENT AGENDA

1. Approval of the December 12, 2022, Meeting Minutes
2. Approval of the December 19, 2022, Budget Meeting Minutes
3. Approval of the December 30, 2022, End of Year Meeting Minutes
4. Refuse Reductions, Application Refunds and Exonerations

MOTION by Supervisor Due to approve the Consent Agenda, seconded by Supervisor Teel. Vote: 5-0.

VI.

FINANCIALS

1. Bill List-Manager Nelson read the bill list. Supervisor Friedman asked about a Cozza Law bill. Chairman Pinter stated it was a call that he made, at the request of the Board. Supervisor Friedman stated he would like all bills/correspondence regarding the NID, to be sent out to all Supervisors. There was a discussion on the recent, red-lined copy on the NID agreement. Manager Nelson will send a copy to all the Supervisors. **MOTION** by Supervisor Due, to pay the bills in the amount of \$141,110.78, seconded by Supervisor Teel. Vote: 5-0.

VII.

ACTION ITEMS-None

VIII.

OLD BUSINESS

1. Upper Mount Bethel Township Park Foundation-Supervisor Teel asked Mark Mezger if he can provide the numbers that was asked of him to provide to the Board. Mark stated that has met all guidelines as per the IRS rules and the Township is not entitled to know how much money the Foundation has. There was a discussion on the formation of the current Foundation when there was no Board members to appoint new members. Mark stated that one remaining member of the Foundation elected the new members. Chairman Pinter stated that according to an email from that one member, the foundation was disbanded and dissolved. Chairman Pinter stated that further discussion on this matter should be discussed in Executive Session. Supervisor Teel called for an Executive Session at the end of the meeting.
2. Budget Follow-up-Supervisor Teel stated that at the budget meeting, Mark Mezger stated there was a discrepancy in the numbers and asked Mark where those errors were. Mark stated he cannot tell where the error is without going through line by line and would also like to see where they are justified.

Mark wanted to further discuss the Park Foundation. Solicitor Karasek stated that Mr. Mezger filed amendments to Articles of Incorporation for the Community Park Foundation and they also amended the by-laws, and the amendments to the by-laws state any other articles in the by-laws remain unchanged. The by-laws that were initially prepared that remain unchanged state the treasurer should make a report to the Board at each Board meeting and make available to the Board and the public. The by-laws further state the financial records are public information and shall be make available to the membership, the Board members and the public. Mark stated the members are Charles Smith, Loren Rabbat, Kyle and Kathy Dutt and himself. Supervisor Birmingham stated he would not like to see this go to mediation; he will have a conversation with Mark.

IX.

DISCUSSION

1. Vourderis Septic Waiver Agreement-Solicitor Karasek discussed an email from Bruce Cameron regarding the septic waiver and the dispute with the neighbor as to who was going to pay for the well testing, which is a shared well between Vourderis and Manake. The Vourderis wanted to improve their septic system which would cause it to be in close proximity to the Manake well. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Birmingham. Vote: 5-0.

X.

EXECUTIVE SESSION

Recess to Executive Session to discuss legal matters at 7:40 pm.

The Meeting reconvened at 8:05 pm

1. Legal-Chairman Pinter stated that a legal matter/litigation was discussed. Chairman Pinter asked if anyone would like to make a motion. **MOTION** by

Supervisor Teel that the Board of Supervisors of Upper Mount Bethel Township give Supervisor Bermingham 30 days to come back to the Board with the requested documentation on the Park Foundation and if the documentation is not satisfactory to the Board, the Board will move forward with litigation against the Park Foundation to receive the financial information, seconded by Supervisor Due. Discussion-Supervisor Bermingham stated he does not want to enter into any litigation and if the motion passes he will take the 30 days to work with the Park Foundation to get the documents that will satisfy the Board. Vote: 3-1-1. Supervisor Bermingham voted no, Supervisor Friedman abstained due to the fact he does not know enough about 503's or the Park Foundation's by-laws. This will be on the February 13th meeting.

**XII.
ADJOURNMENT**

MOTION by Supervisor Teel to adjourn the meeting at 9:17 pm, seconded by Supervisor Bermingham. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary